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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,369	09/27/2006	Bernardus H.W. Hendriks	GB 040078	7688

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER
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COLLINS, DARRYL J

ART UNIT	PAPER NUMBER
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2873

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,369	<b>Applicant(s)</b> HENDRIKS ET AL.	
	<b>Examiner</b> DARRYL J. COLLINS	<b>Art Unit</b> 2873	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10102007</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION*****Information Disclosure Statement***

The information disclosure statement filed October 10, 2007 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the Non-Patent Literature citation (citation 3) referred to therein has not been considered.

***Response to Arguments***

Applicant's arguments, see page 2, third paragraph and page 3, first paragraph, filed November 26, 2007, with respect to the rejection(s) of claim(s) 1-6 and 8-13 under 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation of previous applied reference.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-6 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onuki et al (U.S. Patent Number 6,806,988).

Although, Onuki et al teaches a controllable optical lens system, comprising a chamber (column 5, lines 50-54) housing first and second fluids (Figure 2, elements 121 and 122, respectively), the interface between the fluids defining a lens surface (Figure 2, element 124), an electrode arrangement (Figure 2, elements 103 and 125) for electrically controlling the shape of the lens surface (column 6, lines 8-12), the electrode arrangement comprising first (Figure 2, element 121) and second (Figure 2, element 122) electrodes, a power source (Figure 2, element 126) for supplying current to the electrodes (column 6, lines 8-12), Onuki et al fails to explicitly teach a means for monitoring the current supplied by the power source over time and deriving the charge supplied, a means for monitoring the voltage on one of the electrodes of the electrode arrangement, and a means for deriving from a desired lens power a value for controlling the total charge to be supplied to the electrode arrangement as claimed in independent claim 1. However, given the teaching by Onuki et al of a CPU (Figure 9, element 130) and control feedback loops (Figure 9) of the electrical parameters, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to produce a controllable optical lens system wherein electrical parameters, such as current and voltage, are monitored and adjusted to provide proper focus of the lens system as claimed in independent claim 1.

Onuki et al also teaches a controllable optical lens system, as described above, wherein the means for deriving a value is for deriving a ratio of the charge supplied to the voltage (column 8, lines 63-67) as claimed in dependent claim 2.

Onuki et al again teaches a controllable optical lens system, as described above, wherein the power source is also for maintaining a constant voltage and is controlled to maintain the voltage on the one of the electrodes after the derived ratio between the charge supplied and the voltage had been reached (Figure 8E) as claimed in dependent claim 3.

Onuki et al further teaches a controllable optical lens system, as described above, wherein the means for deriving comprises a look-up table (column 9, line 66 – column 10, line 4) as claimed in dependent claim 4.

Onuki et al still further teaches a controllable optical lens system, as described above, wherein the look-up table receives as input an effective electrode height, which depends on the lens power, and provides as output the ratio of the charge supplied to the voltage (Figure 10, steps S121, S122, S123 and S124) as claimed in dependent claim 5.

Still further, Onuki et al teaches a controllable optical lens system, as described above, wherein the electrode arrangement comprises a drive electrode arrangement comprising a base electrode (Figure 2, element 103) and a side wall electrode (Figure 2, element 125) as claimed in dependent claim 6.

Once again, Onuki et al teaches a controllable optical lens system, as described above, wherein the first fluid comprises a polar and/or conductive liquid (column 6, line 21) and the second fluid comprises a nonconductive liquid (column 6, lines 17-18) as claimed in dependent claim 8.

Again, Onuki et al teaches a method of driving a controllable optical lens system, comprising a chamber (column 5, lines 50-54) housing first and second fluids (Figure 2, elements 121 and 122, respectively), the interface between the fluids defining a lens

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surface (Figure 2, element 124), an electrode arrangement (Figure 2, elements 103 and 125) for electrically controlling the shape of the lens surface (column 6, lines 8-12), the electrode arrangement comprising first (Figure 2, element 121) and second (Figure 2, element 122) wherein the method comprises selecting a desired lens power (Figure 10, element S122), deriving from the desired lens power a value for controlling the total charge to be supplied to the electrode arrangement (Figure 10, element S124), supplying current to the electrode arrangement (Figure 9, element 131), but fails to explicitly teach monitoring the current supplied over time and deriving the charge supplied and monitoring the voltage on one of the electrodes of the electrode arrangement and applying current until the total charge supplied to the electrode arrangement reaches the desired value as claimed in independent claim 9. Still again, given the teaching by Onuki et al of a CPU (Figure 9, element 130) and control feedback loops (Figure 9) of the electrical parameters, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to produce a controllable optical lens system wherein electrical parameters, such as current and voltage, are monitored and adjusted to provide proper focus of the lens system as claimed in independent claim 9.

Onuki et al also teaches a method of driving a controllable optical lens system, as described above, wherein deriving a value comprises deriving a ratio of the charge supplied to the voltage (column 8, lines 63-67) as claimed in dependent claim 10.

Onuki et al again teaches a method of driving a controllable optical lens system, as described above, further comprising maintaining a constant voltage on the one of the electrodes of the electrode arrangement after the derived ratio between the charge supplied and the voltage had been reached (Figure 8E) as claimed in dependent claim 11.

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Onuki et al further teaches a method of driving a controllable optical lens system, as described above, wherein the deriving a value indicating the total charge to be supplied comprises accessing a look-up table (column 9, line 66 – column 10, line 4) as claimed in dependent claim 12.

Onuki et al still further teaches a method of driving a controllable optical lens system, as described above, wherein the look-up table receives as input an effective electrode height, which depends on the lens power, and provides as output the ratio of the charge supplied to the voltage (Figure 10, steps S121, S122, S123 and S124) as claimed in dependent claim 13.

#### ***Allowable Subject Matter***

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. Although the prior art teaches controllable optical lens system, comprising a chamber housing first and second fluids, the interface between the fluids defining a lens surface, an electrode arrangement for electrically controlling the shape of the lens surface, the electrode arrangement comprising first and second electrodes, a power source for supplying current to the electrodes, means for monitoring the current supplied by the power source over time and deriving the charge

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supplied, means for monitoring the voltage on one of the electrodes of the electrode arrangement, and a means for deriving from a desired lens power a value for controlling the total change to be supplied to the electrode arrangement, wherein the electrode arrangement comprises a drive electrode arrangement comprising a base and a side wall electrode the prior art fails to teach such a lens system wherein the side wall electrode comprises an annular electrode which surrounds the chamber as claimed in dependent claim 7.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARRYL J. COLLINS whose telephone number is (571)272-2325. The examiner can normally be reached on 6:30 - 5:00 Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Darryl J. Collins  
Primary Examiner  
Art Unit 2873

31 January 2008  
/Darryl J. Collins/